

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SCOTT W. HUMPHREYS,

Plaintiff,

v.

LUKE BURGHER,

Defendant.

CASE NO. 3:18-cv-05736-RJB-JRC

ORDER

Before the Court is plaintiff's "motion for oversight." Dkt. 82. Defendants filed a response, Dkt. 83, and plaintiff filed a reply, Dkt. 85.

In his motion, plaintiff requests "further investigation" of his Eighth Amendment claim. Dkt. 82 at 1-3. Plaintiff also submits attachments related to his medical care in 2019 and 2020 in which plaintiff seeks treatment for a sinus infection, dry skin, stomach pain, and dental pain. Dkt. 82 at 5-8, 14-17, 22-23; Dkt. 84 (supplement). In his reply, plaintiff appears to ask for judgment on his complaint. *See* Dkt. 85. While the Court finds it difficult to determine the exact relief

1 sought by plaintiff, it appears to be an attempt to amend his complaint or add new allegations  
2 against new defendants. *See* Dkt. 82.

3 As a matter of course, a party may amend its pleading once within 21 days of serving it  
4 or, if it is a pleading requiring a response, within 21 days after service of the response. Fed. R.  
5 Civ. P. 15(a)(1). In all other cases, “a party may amend its pleading only with . . . the court’s  
6 leave.” *Id.* (a)(2). Pursuant to local rule, when amending a pleading, the party “must attach a  
7 copy of the proposed amended pleading as an exhibit to the motion [to amend]” and the amended  
8 pleading “must not incorporate by reference any part of the preceding pleading, including  
9 exhibits.” LCR 15.

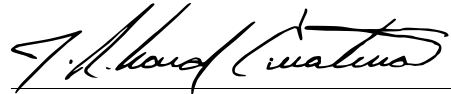
10 Here, plaintiff has a filed a motion and attachments which appear to list additional  
11 defendants and allegations and asks the Court to provide oversight. Dkt. 82, 84. However,  
12 plaintiff has not included a proposed amended complaint laying out any amended allegations,  
13 and he does not include sufficient allegations in his motion for the Court to interpret it as a  
14 proper proposed amended complaint. Thus, plaintiff has not properly moved to amend his  
15 complaint. *See* LCR 15.

16 Moreover, even if plaintiff had properly moved to amend his complaint, any new claims  
17 raised in the amended complaint must relate to the allegations contained in the operative  
18 complaint (Dkt. 68). Plaintiff’s motion and attachments detail his recent medical treatment, but  
19 the only remaining claim in this case is against defendant Burgher wherein plaintiff alleges that  
20 defendant Burgher failed to provide medical treatment after plaintiff fell off his cell bunk in  
21 2016. Dkt. 68, 82 84. “Unrelated claims against different defendants belong in different suits, not  
22 only to prevent the sort of morass [a multiple claim, multiple defendant] suit produce[s], but also  
23 to ensure that prisoners pay the required filing fees-for the Prison Litigation Reform Act limits to  
24

1 3 the number of frivolous suits or appeals that any prisoner may file without prepayment of the  
2 required fees.” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (citing 28 U.S.C. § 1915(g)).  
3 Thus, plaintiff may not change the nature of his suit by adding new, unrelated claims in his  
4 amended complaint. *Id.* (no “buckshot” complaints).

5 Therefore, the Court denies plaintiff’s motion without prejudice.

6 Dated this 4th day of June, 2020.

7  
8  
9 

10 J. Richard Creatura  
11 United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24